

REMARKS

Claims 1- 11 are pending and stand rejected.

Claims 7-11 are canceled without prejudice.

CERTIFIED COPY of Priority Document

A Certified copy of FR 03.02531 is attached, as required for the grant of the March 3, 2003 priority date.

RESTRICTION

The Examiner has requested a Restriction, and Applicant has elected Group I/II, claims 1-6 for initial prosecution on the merits. Claims 7-11 have been cancelled.

OBJECTION

Claim 4 stands objected to due to informalities. Applicant has amended claim 4 to cite a process in which the potassium alkylsulphonate is chosen from potassium ethylsulphonate, methyl-sulphonate, isopropylsulphonate or n-propylsulphonate.

DOUBLE PATENTING

Claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application 10/791,233, having the same priority date as the present application. The claims 1-6 of the copending Application are withdrawn, and will be cancelled when the present claims are allowed.

GENERAL REMARKS:

The Examiner's rejections in this action focus on compositional issues – as were made for Applicant's companion case US Application 10/791,233. While the composition arguments are relevant to some of the dependant claims, Claims 1-6 are process claims that uniquely contain a step of atomizing a PVDF dispersion at high temperature. The cited references fail to teach or suggest this claimed process step.

There is a relationship between the claimed process and the compositional issues cited by the Examiner. As stated in the present invention on page 3, lines 9-15: "the PVDF obtained should comprise a level of residual surface-active additive which is sufficiently low not to affect the heat stability. To achieve this low level of surfactant residue, it is sufficient to atomize the dispersion. This is because the surfactants have the property of being removed if the atomization temperature is sufficiently high. The content of surface-active additive should be less than 300 ppm by weight with respect to the PVDF to avoid a deterioration in the heat stability."

35 U.S.C. §102(b)

Claims 1-3 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Blaise et al (US 4,025,709). The '709 reference fails to teach all of Applicant's claim elements, and therefore fails to present a *prima facie* case of anticipation. Specifically, the '709 reference fails to teach Applicant's claim element of a step (d) involving the atomization of the PVDF at a temperature of between 120 and 220°C. There is no teaching or suggestion of an atomizing step at high temperature in the '709 reference, thus there is no anticipation. Additionally, as stated on page 1, line 28 to page 2, line 5 of the instant application, the '709 reference exemplifies levels of surfactant of between 550 and 2200 ppm, with the 2200 ppm being preferred and used in the majority of the Examples. Thus, the '709 reference teaches neither the atomizing step of Applicant's claims, nor the importance of having less than 300 ppm surfactant, as found in Applicant's claim 5.

35 U.S.C. §103(a)

Blaise in view of Sharma

Claims 1-3 and 6 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Blaise et al (US 4,025,709) in view of Sharma et al, (US 6,462,109). The Blaise reference fails to teach or suggest all of Applicant's claim limitations, and thus fails to present a *prima facie* case of obviousness. Specifically, the '709 reference fails to teach or suggest Applicant's step (d) of atomizing the PVDF at an elevated temperature.

The '109 reference is a secondary reference cited to show that polymers may be made using a surfactantless system. In the extensive list of monomers useful in forming polymers by the '109 method are listed from column 8, line 50 to column 9, line 23, neither vinylidene

fluoride, nor any other fluoromonomer is listed. Thus the Examiner's argument that the polymers produced by the '109 and '709 references contain similar type vinyl-containing monomers is incorrect.

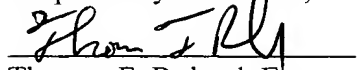
More importantly, there is no teaching or suggestion in the '109 reference to heal the deficiencies of the '709 regarding any teaching or suggestion of atomization of a PVDF dispersion at an elevated temperature.

Blaise in view of Wu

Claims 4-5 stand rejected under 35 U.S.C. §102(b) as being unpatentable by Blaise et al (US 4,025,709), in view of Wu et al, (US 6,214,251). Claims 4-5 also stand rejected under 35 U.S.C. §102(b) as being unpatentable by Blaise et al (US 4,025,709), in view of Sharma et al, US 6,462,109, in view of Wu et al, US 6,214,251. The Blaise reference and its failure to teach or suggest atomization of a PVDF dispersion at an elevated temperature. The Sharma reference fails to heal the deficiencies of the Blaise reference, as it fails to describe any relation to a fluoropolymer. The Wu reference is cited as a secondary reference to show the use of a potassium alkylsulphonate in the polymerization process of a PVDF. The Wu reference fails to correct the defects of Blaise or Blaise plus Sharma, in teaching or suggesting Applicant's claim limitation atomization of a PVDF dispersion at an elevated temperature.

Since the cited reference fails to present a *prima facie* case of anticipation or obviousness over the claims as amended, Applicant believes that the reasons for rejection have been overcome, and the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance are requested.

Respectfully submitted,


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